

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 3 and 4 and claims 1, 2, 42-52, 55, 56, 59 and 60, in part, drawn to a mutant G-CSF sequence comprising SEQ ID NOs: 214 or 215.

Group II, claim(s) 5 and 6 and claims 1, 2, 42-52, 55, 56, 59 and 60, in part, drawn to a mutant G-CSF sequence comprising SEQ ID NO: 216.

Group III, claim(s) 7 and 8 and claims 1, 2, 42-52, 55, 56, 59 and 60, in part, drawn to a mutant G-CSF sequence comprising SEQ ID NO: 217.

Group IV, claim(s) 9 and 10 and claims 1, 2, 42-52, 55, 56, 59 and 60, in part, drawn to a mutant G-CSF sequence comprising SEQ ID NO: 218.

Group V, claim(s) 11 and 12 and claims 1, 2, 42-52, 55, 56, 59 and 60, in part, drawn to a mutant G-CSF sequence comprising SEQ ID NO: 219.

Group VI, claim(s) 13 and 14 and claims 1, 2, 42-52, 55, 56, 59 and 60, in part, drawn to a mutant G-CSF sequence comprising SEQ ID NO: 220.

Group VII, claim(s) 15 and 27 and claims 1, 2, 42-52, 55, 56, 59 and 60, in part, drawn to a mutant G-CSF sequence comprising SEQ ID NOs: 67, 68, 69, 70 or 71.

Group VIII, claim(s) 17 and claims 1, 16, 42-50, 53, 54 and 62, in part, drawn to a mutant hGH sequence comprising SEQ ID NOs: 109 or 110.

Group IX, claim(s) 18 and 19 and claims 1, 16, 42-50, 53, 54 and 62, in part, drawn to a mutant hGH sequence comprising SEQ ID NO: 221.

Group X, claim(s) 20 and 21 and claims 1, 16, 42-50, 53, 54 and 62, in part, drawn to a mutant hGH sequence comprising SEQ ID NO: 222.

Art Unit: 1654

Group XI, claim(s) 22 and 23 and claims 1, 16, 42-50, 53, 54 and 62, in part, drawn to a mutant hGH sequence comprising SEQ ID NO: 223.

Group XII, claim(s) 24-26 and claims 1, 16, 42-50, 53, 54 and 62, in part, drawn to a mutant hGH sequence comprising SEQ ID NO: 224.

Group XIII, claim(s) 31 and claims 1, 28-30, 42-50, 57, 58 and 61, in part, drawn to a mutant INF alpha sequence comprising SEQ ID NOs: 111, 112 or 113.

Group XIV, claim(s) 32 and claims 1, 28-30, 42-50, 57, 58 and 61, in part, drawn to a mutant INF alpha sequence comprising SEQ ID NOs: 114 or 115.

Group XV, claim(s) 33 and claims 1, 28-30, 42-50, 57, 58 and 61, in part, drawn to a mutant INF alpha sequence comprising SEQ ID NO: 116, 117 or 118.

Group XVI, claim(s) 34 and claims 1, 28-30, 42-50, 57, 58 and 61, in part, drawn to a mutant INF alpha sequence comprising SEQ ID NOs: 119, 120 or 121.

Group XVII, claim(s) 35 and claims 1, 28-30, 42-50, 57, 58 and 61, in part, drawn to a mutant INF alpha sequence comprising SEQ ID NOs: 122 or 123.

Group XVIII, claim(s) 36 and claims 1, 28-30, 42-50, 57, 58 and 61, in part, drawn to a mutant INF alpha sequence comprising SEQ ID NOs: 124 or 125.

Group XIX, claim(s) 37 and claims 1, 28-30, 42-50, 57, 58 and 61, in part, drawn to a mutant INF alpha sequence comprising SEQ ID NOs: 126 or 127.

Group XX, claim(s) 38 and claims 1, 28-30, 42-50, 57, 58 and 61, in part, drawn to a mutant INF alpha sequence comprising SEQ ID NOs: 128 or 129.

Group XXI, claim(s) 39 and claims 1, 28-30, 42-50, 57, 58 and 61, in part, drawn to a mutant INF alpha sequence comprising SEQ ID NOs: 130, 131 or 132.

Group XXII, claim(s) 40 and claims 1, 28-30, 42-50, 57, 58 and 61, in part, drawn to a mutant INF alpha sequence comprising SEQ ID NOs: 133, 134 or 135.

Group XXIII, claim(s) 41 and claims 1, 28-30, 42-50, 57, 58 and 61, in part, drawn to a mutant INF alpha sequence comprising SEQ ID NOs: 136 or 137.

The groups of inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the inventions are drawn to polypeptide that do not share a common structural feature and therefore lack unity of invention *a priori*.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention or species.

Should applicant traverse on the ground that the inventions have unity of invention (37 CFR 1.475(a)), applicant must provide reasons in support thereof. Applicant may submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. Where such evidence or admission is provided by applicant, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Art Unit: 1654

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINA BRADLEY whose telephone number is (571)272-9044. The examiner can normally be reached on Monday through Friday from 5:00 A.M. to 3:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571) 272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christina Bradley/
Primary Examiner, Art Unit 1654

cmb